



CRL OP(MD). No.12036 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.12036 of 2025

and

CRL MP(MD). No.9682 of 2025

1.Purushothaman,
S/o.Valavanthan

2.Ramkumar,
S/o.Purushothaman

... Petitioners/ A1 & A2

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Aruppukottai Taluk Police Station,
Virudhunagar District.
(Crime No.129 of 2025)

... Respondent/ Complainant

For Petitioners : Mr.S.Poornachandran,
Advocate

For Respondent : Mr.S.Prakash,
Government Advocate

<https://www.mhc.tn.gov.in/judis>



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(Crl.Side)

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For Intervenor : Mr.Iniyavan.M,
Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.129 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 466, 467, 468, 471 and 109 of IPC in Crime No.129 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the de-facto complainant's father had four children, including the 1st petitioner, the de-facto complainant, and two others. Their father passed away on 25.10.1996. He owned an ancestral property at Ganjanayakanpatti village. In order to grab the said property, the 1st petitioner obtained a legal heir certificate on 13.08.1998 by excluding the other siblings, as if he were the sole legal heir of their father. On the strength of the said legal heir



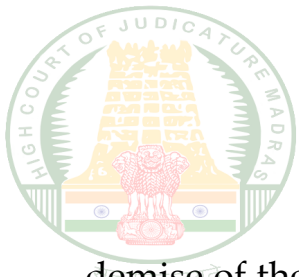
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certificate, the 1st petitioner executed a gift deed in favour of the 2nd petitioner on 02.03.2023. Hence, a case was registered.

3. The learned counsel appearing for the petitioners submitted that the de-facto complainant is not the brother of the 1st petitioner. The 1st petitioner's father passed away on 25.10.1996 at Government Rajaji Hospital, for which a death certificate was issued by the Madurai Corporation. On 13.08.1998, the 1st petitioner obtained a legal heir certificate. Both the death certificate and the legal heir certificate are in the possession of the 1st petitioner. In fact, the property referred in the FIR is the ancestral property of the 1st petitioner. He further submitted that certain third parties are attempting to grab the said property, for which the 1st petitioner preferred an appeal before the Deputy Inspector General of Registration, and an order was passed in his favour. In order to usurp the said property, the de-facto complainant has lodged the present false complaint against the petitioners. He, however, submitted that the petitioners are willing to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail.

4. The learned counsel for the intervenor submitted that the 1st accused/1st petitioner is the brother of the de-facto complainant. He submitted that after the



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demise of their father on 25.10.1996, the property belonging to their father came into the possession of the de-facto complainant, the 1st petitioner, and their two other siblings, as per their legal rights. Admittedly, at the time of their father's death, no death certificate or legal heir certificate was obtained from the competent authority. Taking advantage of the same, the 1st petitioner fabricated a forged death certificate from an unauthorized source, and on that basis, obtained a legal heir certificate by falsely claiming to be the sole son of their father. Thereafter, the 1st petitioner executed a settlement deed in favour of the 2nd petitioner, who is his son, on the strength of the forged legal heir certificate.

5. He further submitted that the de-facto complainant had submitted an application before the Public Welfare Officer, Madurai on 20.06.2025 with regard to his father's death certificate. Pursuant thereto, a reply dated 27.06.2025 was received from the Public Welfare Officer, Madurai, stating that the alleged death certificate had not been issued by the Madurai Corporation. Therefore, he submitted that custodial interrogation of the petitioners is very much necessary. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

6. The learned Government Advocate (Criminal Side) submitted that there are totally four accused persons in this case, and the petitioners have been arrayed as A1 and A2. A1 fabricated a forged death certificate of their father, obtained a legal



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heir certificate, and thereafter transferred the ancestral property to his son/A2 by way of a settlement deed dated 02.03.2023. A3 and A4 are the witnesses to the said settlement deed, and they are still absconding. He further submitted that there is one previous case registered against the 2nd accused. Hence, he opposed to grant anticipatory bail to the petitioners.

7. Taking into consideration the facts and circumstances of the case, the nature and gravity of the offence allegedly committed by the petitioners, and also taking note of the fact that the death certificate and legal heir certificate of their father had been allegedly created by the 1st petitioner, and that the investigation is still at preliminary stage, and that none of the accused have been arrested so far, and that there is one previous case registered against the 2nd accused, this Court is of the view that custodial interrogation of the petitioners is necessary. Hence, this Court is not inclined to grant anticipatory bail to the petitioners at this stage.

8. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

sd/-
05/08/2025

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/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO
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1.The Inspector of Police,
Aruppukottai Taluk Police Station,
Virudhunagar District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.12036 of 2025
Date :05/08/2025

HPS/16.09.2025 6P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023